

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 16-21301-CIV-GAYLES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ARIEL QUIROS, *et al*,

Defendant.

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UNOPPOSED MOTION TO MODIFY ASSET FREEZE ORDER

Defendant, Ariel Quiros, files this Unopposed Motion to Modify the Asset Freeze Order, [ECF #11], and states:

Undersigned counsel was retained to represent Defendant Ariel Quiros in March of this year. Earlier this month, Mr. Quiros and the SEC reached a proposed resolution of the SEC's claims against Mr. Quiros, and this case was stayed by this Court pending consideration of the resolution by the Securities and Exchange Commission.

Undersigned counsel, however, continues to represent Mr. Quiros in connection with numerous other civil litigation matters pending in the Southern District of Florida, in Circuit Court in the State of Florida, and in the State of Vermont. Although this case has been stayed, the Asset Freeze remains in place. (*See* ECF Nos. 11 and 238). Mr. Quiros now requests that this Court modify the asset freeze to (1) permit the payment of \$100,000.00 toward attorneys' fees and costs incurred by undersigned counsel, as well as local counsel in the State of Vermont, in connection with the work in the instant case toward resolution with the SEC and in the other

pending matters described above; and (2) permit the Receiver to pay the monthly payment amount of \$15,000 toward Mr. Quiros's living expenses for the month of January.

The Court-appointed Receiver, Michael Goldberg, has informed Mr. Quiros that there are sufficient funds remaining from the IRS Tax Refund check which is being held in Trust by the Receiver pursuant to previous Orders of this Court to be used for the payments requested herein. This Court has previously approved the Receiver's release of funds from the IRS Tax Refund check for payment of attorneys' fees and costs and for payment of Mr. Quiros's monthly living expenses (ECF Nos. 320 and 346). Therefore, Mr. Quiros requests that the payments requested herein be made from the IRS Tax Refund check held by the Receiver.

Pursuant to Southern District of Florida Local Rule 7.3, undersigned counsel has conferred with counsel for Plaintiff, Securities and Exchange Commission, and for the Receiver, Michael Goldberg, and is authorized to represent that they do not oppose the relief requested herein.

WHEREFORE, Defendant, Ariel Quiros, respectfully requests that this Court Grant the instant Agreed Motion to Modify Asset Freeze Order and modify the Asset Freeze Orders (ECF Nos. 11 and 238) to authorize the Receiver to (1) release \$100,000 to Damian & Valori LLP, without prejudice to undersigned counsel's ability to request the payment of additional defense costs at a later date and without prejudice to the ability of the SEC and the Receiver to oppose any such request; and (2) release \$15,000 to Mr. Quiros in January 2018 toward payment of monthly living expenses.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via e-mail via CM/ECF, on this 28th day of November, 2017, to all counsel of record.

/s/ Melissa D. Visconti

Melissa Damian Visconti